



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel
Acting Director of Planning

At its meeting held June 27, 2006 the Board took the following action:

12

At the time and place regularly set, notice having been duly given, the following item was called up:

Hearing on Revocation/Modification of Special Permit Case No. 1404-(5), to authorize the continued operation and maintenance of Agua Dulce Airpark, a private commercial airport with appurtenant facilities located at 33638 Agua Dulce Canyon Rd., unincorporated community of Agua Dulce, Soledad Zoned District (5), a Regional Planning Commission Initiative, as further described in the attached letter dated March 9, 2006 from the Acting Director of Planning:

All persons wishing to testify were sworn in by the Executive Officer of the Board. Samuel Dea and Rose Hamilton, representing the Department of Regional Planning and Ted Gustin, representing the Department of Public Works, testified. Opportunity was given for interested persons to address the Board. Mark Armbruster, Daniel S. Reimer, Mary Johnson, Bill Morton, Dan White, Joette Hayward, James Jennings, Peg Spry, Betsy Skidmore, and others addressed the Board. Written correspondence was presented.

Supervisor Antonovich made the following statement:

"In response to the applicant's total lack of respect for the rules set forth in Special Use Permit 1404 and for its neighbors, I introduced a revocation/modification motion to review the permit.

(Continued on Page 2)

“A review of the record chronicles continued infractions by Agua Dulce Airpark.

- A series of Notices of Violation issued by the Department of Regional Planning since June of 2003 relative to the applicant's failure to comply with conditions of approval of Special Use Permit 1404.
- Of particular importance is a Notice of Violation for failure to provide adequate security and comply with safety measures at a special event, thereby endangering hundreds of people in attendance.
- A Notice of Violation issued by the Department of Public Works' Building & Safety Division for filming without a valid film permit.
- The applicant's submittal of plans and an application with conflicting information relative to the height of the hangars.
- The applicant's construction of those hangars, without Federal Aviation Administration (FAA) approval, which required the granting of a waiver from the FAA after the hangars were constructed.
- The applicant's construction and use of an unauthorized and un-permitted tie-down area which flagrantly violates the conditions of Special Use Permit 1404. Even after County staff issued a Notice of Violation, informing the applicant in writing to remove the tie-down area, the applicant has failed to do so.
- The applicant's failure to cooperate with County staff to address the issues raised in the multiple Notices of Violation they received.
- The applicant's behavior that either violates County's rules and regulations, or pushes the envelope, which required the commitment of extensive County staff time.

(Continued on Page 3)

“The Airpark has been a divisive issue in the community. Friends no longer speak to each other, and people avoid their neighbors. Meetings of the local town council have become shouting matches with no sense of civility. Sheriff deputies have been summoned to come in to maintain order and prevent altercations.

“The community needs to focus on what brings people together. People moved to Agua Dulce for the rural atmosphere, the Community Standards District that requires large lots, and a location that is not too distant from urban communities.

“A divided Regional Planning Commission addressed some of the smaller issues, such as community notice of special events and filming restrictions. Upon advice of counsel, and amidst great opposition and controversy from many Agua Dulce residents, the commissioners also removed those items that conflict with Federal law. However, I strongly disagree with other components of the Commission’s decision, which I will address in a moment. But I am nevertheless grateful to the commissioners for visiting Agua Dulce twice and conducting multiple public hearings.

“The Regional Planning Commission’s action is an endorsement of expansion of the Airpark that would likely triple its size from what is there today. The process this Board initiated is a revocation/modification action, a process rarely used except for those cases that are a nuisance to the surrounding community. Regrettably, the Commission’s grant, as it relates to the number of hangars, tie-downs, and associated land uses, makes a mockery of our code enforcement process. The Commission’s determination rewards the Airpark for continually ignoring their Special Use Permit 1404. Commissioners reviewed volumes of documents and heard extensive testimony demonstrating that the applicant has consistently and flagrantly violated County rules. The Commission then adopted a finding that the Airpark constituted a nuisance to the community. For the commissioners to proceed to endorse massive additional development capacity is wrong.

(Continued on Page 4)

“Currently there are 27 hangars at the Airpark, mostly older, smaller buildings of about 1,000 sq ft that each house one plane. There are 10 additional hangars nearly completed, but not yet occupied. There are between 10-20 tie-down spaces. At present, there are probably no more than 40 planes housed at the Airpark, and with completion of the 10 hangars, another 30 or so planes could be accommodated. The Commission’s grant would authorize 55 large (3,000 square foot) hangars, several larger community and maintenance hangars, and nearly six acres of tie-down space. In combination this would allow roughly 270 planes, or six times the number of planes currently at the Airpark.

“Were the Board to endorse the Commission’s decision, in light of the enforcement record, it would reward the applicant for blatant code violations. The Commission’s grant is the equivalent of tripling the size of a crime-infested liquor store. The Board would never make such a decision on a liquor store. Given the applicant’s record, we should not do so on this case.

“The administrative record documents indifference to the County’s rules and an extreme lack of consideration for the surrounding community. What the Board must do is constrain the Airpark to its historical levels of operation. There should also be a modest accommodation for those local pilots who cannot afford expensive new hangars and would like other options for storing their planes. An airport that accommodates somewhat closer to 100 planes, rather than 300 planes, is closer to the historical operation of the Airpark. It is also entirely appropriate given the Airpark’s location within a rural residential community.”

Therefore, Supervisor Antonovich made a motion that the Board take the following actions:

1. Close the public hearing.
2. Indicate an intent to modify SUP 1404, as recommended by the Regional Planning Commission, subject to the following revisions:
 - Jets shall be banned from the subject property.

(Continued on Page 5)

- Helicopters shall be banned from the subject property.
- Consistent with State prohibition on night flying on the subject property, night flying shall be prohibited. The term “night” shall commence 30 minutes after sunset and finish 30 minutes before dawn. Runway lighting (other than emergency or safety lighting required by the State or Federal Government) shall be prohibited.
- The paving between the runway and the southerly property boundary (the un-permitted and unauthorized tie-down area) shall be removed within 60 days of the date of this grant.
- Allow the existing 27 hangars (approximately 31,340 sq ft) at the Agua Dulce Airpark to remain.
- Allow the applicant to replace the existing 27 hangars with new hangars, on a one-for-one square footage basis (existing square footage of approximately 31,340 sq ft), such that the square footage of these new hangars does not exceed the square footage of the existing hangars. The Department of Public Works’ Building & Safety Division shall not issue final inspection(s) and/or certificate(s) of occupancy for any replacement hangars until the old hangars have been demolished or removed from the subject property.
- Allow the 10 hangars, partially constructed, to be completed and occupied, subject to approval of a Revised Exhibit “A” application by the Department of Regional Planning, and the issuance of all necessary permits and clearances from the Fire Department and the Department of Public Works’ Building & Safety Division.
- All new hangars must include fire sprinklers, reviewed and installed to the satisfaction of the Fire Department and the Department of Public Works’ Building & Safety Division.

(Continued on Page 6)

12 (Continued)

- Allow the applicant to construct one “community hangar,” at a square footage not to exceed 18,000 sq ft, to be utilized solely as leased space for pilots who want to store their planes in a hangar at the Airpark.
- The total square footage limitation for all hangars shall, therefore, be 71,340 sq ft.
- The total square footage limitation for all tie-down space - whether for itinerant pilots or leased to local pilots - shall be 43,560 sq ft (one acre).
- This revised SUP 1404 shall terminate in 10 years, unless an extension is granted by the Acting Director of Regional Planning, who may extend the grant for two additional 5 year periods. The Acting Director may approve the extensions if the use is found to be in substantial compliance with the conditions of approval, the applicant has complied with all applicable laws and regulations, and the applicant has exercised utmost diligence to resolve any Notice of Violation throughout the term of the grant.
- Any additional hangar space, tie-down areas, and/or land-uses not specifically authorized in the Regional Planning Commission’s determination as further modified by this grant, shall require the submittal of a new CUP application, the submittal of a Master Plan of development for the entire subject property, and compliance with the California Environmental Quality Act.
- The pavement for the runway shall not be improved nor certified for a maximum gross take-off weight in excess of 30,000 pounds.
- The sale of jet fuel shall be prohibited.
- The construction and operation of a jet maintenance facility shall be prohibited.

(Continued on Page 7)

12 (Continued)

- The following uses shall be prohibited: restaurant and/or food services (unless expressly authorized by the County for a special event through issuance of a Temporary Use Permit), the proposed air-tel/hotel, air-based or ground-based (class-room instruction) flight school, and any commercial, retail, industrial, or manufacturing uses not expressly authorized by this grant.
 - All flights into and out of the Airpark shall be logged in writing by the applicant's airport manager. Upon request, said logs shall be available for inspection or review by County staff. The airport manager shall answer all telephone inquiries when the Airpark is open.
 - In addition to the hourly limitations on construction activity imposed by the Regional Planning Commission, construction activity shall not be permitted on Saturdays.
 - No filming activities, nor the issuance of any film permits, shall permit air-based filming nor in any way allow filming involving aircraft in flight.
 - Filming of aircraft or other vehicles on the subject property shall be permitted if a valid film permit is issued. For any filming that involves the use of the runways, the Airpark shall be closed for the entire time that film personnel are on the subject property.
 - Increase the penalties for non-compliance to \$2,500 per day per violation.
 - Where not in conflict with these revisions, all other conditions imposed by the Regional Planning Commission shall remain and be incorporated into the final conditions.
3. Direct County Counsel to prepare findings and conditions consistent with the Board's action and bring the matter back to the Board for final consideration at the earliest date possible.

Supervisor Antonovich's motion failed for lack of a second.

(Continued on Page 8)

After discussion, Supervisor Molina made a motion, seconded by Supervisor Burke, that the Board close the public hearing; sustain Regional Planning Commission's decision to approve said Revocation/Modification of Special Permit Case No. 1404-(5); and instruct County Counsel to prepare the final environmental documentation and findings and conditions for final approval.

Supervisor Yaroslavsky offered a suggestion that Supervisor Molina's motion be amended to include agreed-to conditions to eliminate night flying and jet flights, and for staff to provide the Board with alternative conditions regarding helicopters for its consideration which would either provide a reasonable limitation on non-emergency helicopter take-offs and landings or provide a flight path noise attenuation plan for helicopters.

After further discussion, on motion of Supervisor Molina, seconded by Supervisor Yaroslavsky, duly carried by the following vote: Ayes: Supervisors Molina, Burke, Yaroslavsky and Knabe; Noes: Supervisor Antonovich, the Board closed the hearing; indicated its intent to approve said Revocation/Modification of Special Permit Case No. 1404-(5), and instructed County Counsel to prepare the final environmental documentation and the necessary findings and conditions, including Supervisor Yaroslavsky's amendments for final approval.

04062706_12

Attachments

Copies distributed:

- Each Supervisor
- Director of Internal Services
- Director of Public Works
- Mark Armbruster
- Daniel Reimer
- Mary Johnson
- Bill Morton
- Don White
- Joette Hayward
- James Jennings
- Peg Spry
- Betsy Skidmore